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R023-12

Agency: Nevada State

Board of Pharmacy

FOR EMERGENCY
REGULATIONS ONLY

Effective date 2-28-2012

Expiration date 6-28-2012



Governor's signature

Classification:

☐ PROPOSED

☐ ADOPTED BY AGENCY

☒ EMERGENCY

Brief description of action:

Because of abuse of un-regulated products containing synthetic cannabinoids being sold in head shops, law enforcement has requested that the Board of Pharmacy schedule AM-2201, AM-694, JWH-210, JWH-122, JWH-250, and JWH-81 in Schedule 1.

Authority citation other than 233B: §1, NRS 453.221, 453.385 and 639.070; §§2-6, NRS 639.070

Notice Date: February 17, 2012

Date of Adoption by Agency: February 28, 2012

Hearing Date: February 28, 2012



Nevada State Board of Pharmacy

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February 29, 2012

INFORMATIONAL STATEMENT

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

1. A DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Public comment was solicited through public notices posted in county courthouses and through mailings to interested parties.

All interested parties may obtain a summary of public response by written or verbal request to: Nevada State Board of Pharmacy, 431 West Plumb Lane, Reno, Nevada, 89509.

2. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

The number of persons who attended the hearing was 31.

The number of persons who testified at the hearing was 4.

The number of agency submitted statements was 4.

3. A DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Comments were solicited from affected businesses through posting of public notices in the county courthouses, by direct mailings to all interested persons who have requested notices of board of pharmacy meeting agendas and by direct mailings to professional and trade associations.

All responses from affected agencies relative to this emergency regulation expressed support for the amendment.

All interested parties may obtain a summary of public response by written or verbal request to: Nevada State Board of Pharmacy, 431 West Plumb Lane, Reno, Nevada, 89509.

4. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

The emergency regulation was adopted without change because of the testimony provided by law enforcement.

5. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

A) BOTH ADVERSE AND BENEFICIAL EFFECTS.

This regulation should have an economic impact on businesses that sell products containing synthetic cannabinoids. The public will not be economically effected.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

This regulation should have an economic impact on businesses that sell products containing synthetic cannabinoids and should have no economic impact on the public.

6. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

Enforcement of the regulation will be performed by law enforcement and the licensing bureau.

7. A DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATION OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, THE NAME OF THE REGULATING FEDERAL AGENCY.

The Board of Pharmacy is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

8. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The Board of Pharmacy is not aware of any similar regulations of the same activity in which the federal regulation is more stringent.

9. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL ANNUAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

This regulation does not provide a new or increase of fees.

Chapter 453 of NAC

EMERGENCY REGULATION OF

SCHEDULE I CONTROLLED SUBSTANCES

Effective for 120 days from February 28, 2012

**NEVADA BOARD OF PHARMACY'S
STATEMENT OF EMERGENCY**

WHEREAS, the Nevada Board of Pharmacy (the Board) has convened this public meeting for the purpose of considering the adoption of the foregoing Emergency Regulation of the Uniform Controlled Substances Act to list six synthetic cannabinoids in Schedule I;

WHEREAS, the Board finds that an emergency exists insofar as:

1. Sheriff Douglas C. Gillespie, Las Vegas Metropolitan Police Department, has requested that an emergency regulation be adopted to list AM-2201, JWH-081, JWH-122, JWH-250, JWH-210 and AM-694 as controlled substances in schedule I based on an increased presence of the chemicals as identified by the LVMPD Forensic Laboratory;

2. Sheriff Michael Haley, Washoe County Sheriff's Office, has requested that an emergency regulation be adopted to list AM-2201, JWH-081, JWH-122, JWH-250, JWH-210 and AM-694 as controlled substances in schedule I based on the increased presence of the chemicals being identified by the Washoe County Sheriff's Office Forensic Laboratory and the imminent hazard to public safety the chemicals pose based on research that shows that the binding affinity for receptors in the brain to the compounds is the same or greater than delta 9 tetrahydrocannabinol (the active ingredient in Marijuana);

3. Dr. Tracey D. Green, MD, Nevada State Health Officer, supports the emergency regulation to be adopted to list AM-2201, JWH-081, JWH-122, JWH-250, JWH-210 and AM-694 as controlled substances in schedule I as all six of the chemicals meet the statutory criteria of a schedule I substance in that they possess a high potential for abuse, and they have no

accepted medical use in medical treatment in the United States, and they lack accepted safety for use in treatment under medical supervision;

4. Attorney General Catherine Cortez, Chair of the Substance Abuse Working Group, supports the emergency scheduling of these substances as they pose an extreme danger to Nevada's citizens; and

WHEREAS, the Board believes that the Emergency Regulation will protect the public safety while the rulemaking process under Nevada Revised Statute Chapter 233B is completed; and

WHEREAS, the Board believes that these substances pose an extreme danger to Nevada's citizens if left to remain on the shelves of its stores in its neighborhoods; and

NOW THEREFORE, the Board hereby adopts the following Emergency Regulation which shall be effective February 28, 2012:

**PROPOSED EMERGENCY REGULATION OF
THE NEVADA BOARD OF PHARMACY**

Section 1. NAC 453.510 is hereby amended to read as follows:

1. Schedule I consists of the drugs and other substances listed in this section by whatever official, common, usual, chemical or trade name designated.
2. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including, without limitation, their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

Acetylmethadol;

Allylprodine;

Alphacetylmethadol (except levo-alphacetylmethadol, commonly referred to as levo-alpha-acetylmethadol, levomethadyl acetate or "LAAM");

Alphameprodine;

Alphamethadol;

Alphamethylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide;
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide);

Benzethidine;

Betacetylmethadol;

Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidiny]-N-phenylpropanamide);

Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-N-phenylpropanamide);

Betameprodine;

Betamethadol;

Betaprodine;

Clonitazene;

Dextromoramide;

Diampromide;

Diethylthiambutene;

Difenoxin;

Dimenoxadol;

Dimepheptanol;

Dimethylthiambutene;

Dioxaphetyl butyrate;

Dipipanone;

Ethylmethylthiambutene;

Etonitazene;

Etoxeridine;

Furethidine;

Hydroxypethidine;

Ketobemidone;

Levomoramide;

Levophenacymorphan;

3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);

3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

Morpheridine;

MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

Noracymethadol;

Norlevorphanol;

Normethadone;

Norpipanone;

Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);

PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);

Phenadoxone;

Phenampromide;

Phenomorphane;

Phenoperidine;

Piritramide;

Proheptazine;

Properidine;

Propiram;

Racemoramide;

Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);

Tilidine; or

Trimeperidine.

3. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, including, without limitation, their salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Acetorphine;

Acetyldihydrocodeine;

Benzylmorphine;

Codeine methylbromide;

Codeine-N-Oxide;

Cyprenorphine;

Desomorphine;

Dihydromorphine;
Drotebanol;
Etorphine (except hydrochloride salt);
Heroin;
Hydromorphenol;
Methyldesorphine;
Methyldihydromorphine;
Morphine methylbromide;
Morphine methylsulfonate;
Morphine-N-Oxide;
Myrophine;
Nicocodeine;
Nicomorphine;
Normorphine;
Pholcodine; or
Thebacon.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, including, without limitation, their salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Alpha-ethyltryptamine (some trade or other names: ET, Trip);
Alpha-methyltryptamine (some trade or other names: AMT);

1,4-Butanediol (some trade or other names: 1,4-butyleneglycol, dihydroxybutane, tetramethylene glycol, butane 1,4-diol, SomatoPro, Soma Solutions, Zen);

4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA);

4-bromo-2,5-dimethoxyphenethylamine (some trade or other names: Nexus, 2C-B);

1-Butyl-3-(1-naphthoyl)indole-7173 (some trade or other names: JWH-073);

2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOET);

2,5-dimethoxy-4-(n)-propylthiophenethylamine (some trade or other names: 2C-T-7);

5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol-7297 (some trade or other names: CP-47,497);

5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol-7298 (some trade or other names: cannabicyclohexanol; CP-47,497 C8 homologue);

JWH-210 (4-ethyl-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-methanone

4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone;

AM-2201 [1-(5-fluoropentyl)-1H-indol-3-yl]-1-naphthalenyl-methanone

1-(5-fluoropentyl)-3-(1-naphthoyl)indole;

AM-694 [1-(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophenyl)-methanone

1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;

4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; para-methoxyamphetamine; PMA);

JWH-081 (4-methoxy-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-methanone;

5-methoxy-3,4-methylenedioxyamphetamine;

5-methoxy-N, N-diisopropyltryptamine (some trade or other names: 5-meO-DIPT);

4-methyl-2,5-dimethoxyamphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; "STP");

JWH-122 (4-methyl-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-methanone;

3,4-methylenedioxyamphetamine;

3,4-methylenedioxymethamphetamine (MDMA);

3,4-methylenedioxy-N-ethylamphetamine (commonly referred to as N-ethyl-alpha-methyl-3,4(methylenedioxy) phenethylamine, N-ethyl MDA, MDE, MDEA);

1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole-7200 (some trade or other names: JWH-200);

N-hydroxy-3,4-methylenedioxyamphetamine (commonly referred to as N-hydroxy-alpha-methyl-3,4(methylenedioxy) phenethylamine, N-hydroxy MDA);

JWH-250 1-(1-pentyl-1H-indol-3-yl)-2-(2-methoxyphenyl)-ethanone

2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone

1-pentyl-3-(2-methoxyphenylacetyl)indole;

1-Pentyl-3-(1-naphthoyl)indole-7118 (some trade or other names: JWH-018; AM678);

3,4,5-trimethoxyamphetamine;

Bufotenine (some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethyl-aminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine);

Diethyltryptamine (some trade or other names: DET; N,N-Diethyltryptamine);

Dimethyltryptamine (some trade or other names: DMT);

Gamma butyrolactone (some trade or other names: GBL, Gamma Buty Lactone, 4-

butyrolactone, dihydro-2(3H)-furanone, tetrahydro-2-furanone, Gamma G, GH Gold);

Gamma hydroxy butyric acid (some trade or other names: GHB);

Ibogaine (some trade or other names: 7-ethyl-6, 6 beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido (1',2':1,2) azepino (5,4-b) indole; *Tabernanthe iboga*);

Lysergic acid diethylamide;

Marijuana;

Mescaline;

Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl);

Peyote (meaning all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds or extracts);

N-benzylpiperazine (some trade or other names: BZP, 1-benzylpiperazine);

N-ethyl-3-piperidyl benzilate;

N-methyl-3-piperidyl benzilate;

Psilocybin;

Psilocin;

Tetrahydrocannabinols (synthetic equivalents of the substances contained in the plant, or in the resinous extractives of *Cannabis*, sp. or synthetic substances, derivatives and their isomers with similar chemical structure and pharmacological activity such as the following:

Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers,
Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers,
Delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers;
since nomenclature of these substances is not internationally standardized, compounds
of these structures, regardless of numerical designation of atomic positions covered);
Ethylamine analog of phencyclidine (some trade or other names: N-ethyl-1-
phenylcyclohexylamine; (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)
ethylamine; cyclohexamine; PCE);
Pyrrolidine analog of phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)-
pyrrolidine; PCPy; PHP);
1-(1-(2-thienyl)-cyclohexyl)-pyrrolidine (some trade or other names: TCPy); or
Thiophene analog of phencyclidine (some trade or other names: 1-(1-(2-thienyl)-
cyclohexyl)-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP).
For the purposes of this subsection, "isomer" includes, without limitation, the optical, position or
geometric isomer.

5. All parts of the plant presently classified botanically as *Datura*, whether growing or
not, the seeds thereof, any extract from any part of such plant or plants, and every compound,
manufacture, salt derivative, mixture or preparation of such plant or plants, its seeds or extracts,
unless substances consistent with those found in such plants are present in formulations that the
Food and Drug Administration of the United States Department of Health and Human Services
has approved for distribution.

6. Unless specifically excepted or unless listed in another schedule, any material,
compound, mixture or preparation which contains any quantity of phencyclidine, mecloqualone

or methaqualone having a depressant effect on the central nervous system, including, without limitation, their salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation.

7. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including, without limitation, their salts, isomers and salts of isomers:

Aminorex;

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone;

alphaaminopropiophenone; 2-aminopropiophenone; norephedrone);

Fenethylamine;

Methamphetamine;

Methcathinone (some trade or other names: N-Methylcathinone, cat);

(±)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazoline);

N,N-dimethylamphetamine (commonly referred to as N,N-alpha-trimethylbenzeneethanamine;

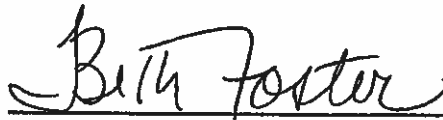
N,N-alpha-trimethylphenethylamine); or

N-ethylamphetamine.

8. Unless specifically listed in another schedule, coca leaves, cocaine base or free base, or a salt, compound, derivative, isomer or preparation thereof which is chemically equivalent or identical to such substances, and any quantity of material, compound, mixture or preparation which contains coca leaves, cocaine base or cocaine free base or its isomers or any of the salts of cocaine, except decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

ADOPTION BY THE BOARD

SIGNED this 28th day of February, 2012

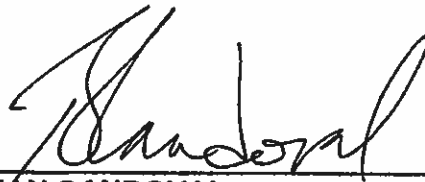
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**Beth Foster, President
Nevada State Board of Pharmacy**

GOVERNOR'S ENDORSEMENT

PURSUANT TO NRS 233B.0613 I, Governor Brian Sandoval, endorse the Nevada Board of Pharmacy's statement justifying an emergency for passage of the attached regulation of Schedule I Controlled Substances.

SIGNED this 29th day of February, 2012.

A handwritten signature in cursive script, reading "Brian Sandoval", written over a horizontal line.

**BRIAN SANDOVAL
Governor**